

Amend Sections 27.60, 27.82, 27.83, 28.26,
28.27, 28.28, 28.29, 28.54, 28.55, and 28.58,
Title 14, California Code of Regulations (CCR).
Re: 2004 Changes to Recreational Groundfish Fishery Regulations
for Consistency with Federal Rules

- 1

Under existing law, west coast groundfish are managed pursuant to the federal Pacific Coast Groundfish Fishery Management Plan (Groundfish Plan) adopted by the Council, and approved by the Secretary of Commerce, to comply with policies and standards of the Federal Sustainable Fisheries Act (Public Law 94-265). California, Oregon, and Washington are represented on the Council and participate in management decisions made pursuant to the Groundfish Plan.

Federally designated groundfish include over 80 species of finfish found in ocean waters off the states of California, Oregon, and Washington. Groundfish include lingcod, cabezon, kelp greenling, California scorpionfish, and about 52 species of rockfish in addition to several flatfish (sole, flounder, sanddab), three species of shark, and about 10 other species. Rockfish, lingcod, California scorpionfish, cabezon, and kelp greenling are the groundfish species for which the Council recently adopted regulatory changes that are also being considered for adoption by the Commission in this rulemaking. Although not federally designated as groundfish, ocean whitefish, rock greenling, and California sheephead are species which closely associate with groundfish species that are subject to restrictive management measures. Particularly in recreational fisheries, where hook-and-line gear is predominantly used, it is nearly impossible to target these three species and not also catch species of federally-managed groundfish. For this reason, these species are proposed to be managed (as they have in recent years) in accordance with federal seasons and depth constraints established for groundfish.

Groundfish and associated species tend to be primarily benthic (bottom dwelling) fishes. The 52 species of rockfishes are currently categorized and managed under federal rules as either “minor nearshore” (recently further subdivided into “shallow” nearshore and “deeper” nearshore rockfish and California scorpionfish), “shelf” rockfish, and “slope” rockfishes. These three assemblages of rockfishes tend to be caught, respectively, over either shallow (nearshore), mid-depth (shelf), or deep water (slope) habitats.

Under current management, the Council has assessed the status (health) of several groundfish stocks in recent years and determined that populations of lingcod and some rockfishes, including bocaccio, canary, cowcod, and yelloweye rockfishes (species important to recreational fishermen), are “overfished”. That is, these stocks have been estimated to be at less than 25 percent of their historic unfished biomass. Current federal law requires that when a groundfish species is declared overfished, a rebuilding plan be adopted that will restore the stock to at least 40 percent of its historic unfished stock size. This has resulted in the need to provide increasing protection (regulation) of overfished stocks, with rebuilding expected to take several decades in the case of some rockfish stocks. These overfished rockfish and lingcod are found predominantly in “shelf” waters of 20 fathoms (120 feet) or greater in depth.

As Council management and regulation of groundfish resources has intensified in recent years due to identified declines in several stocks, California's Fish and Game Commission, with general regulatory authority over sport fishing off California, has also acted to adopt an increasing number of regulations governing the sport take of groundfish and associated state-managed species off California. The Commission's actions are taken to both ensure that state and federal rules achieve their resource management and restoration goals and that these regulations are in harmony (do not conflict) with federal groundfish rules. Regulatory actions taken by the Council and the Commission are adopted following extensive efforts to identify options that will continue to provide for sport fishing opportunities to the maximum extent possible consistent with the overriding goal of conserving and rebuilding groundfish resources. Therefore, regulations adopted by the Commission to conform with federally adopted regulations help to achieve sustainable management of groundfish and associated state-managed species, including the rebuilding of "overfished" stocks of rockfish and lingcod, assist with public understanding of, and compliance with, federal and state sport fishing regulations, and help provide for uniform enforcement of the rules by state and federal enforcement officers.

Shelf Fisheries:

Management of groundfish in recent years has focused primarily on species of shelf rockfish and lingcod that have been identified as overfished, and species of finfish (ocean whitefish and California scorpionfish) that are found and taken in association with shelf rockfish and lingcod. Additionally, since 2000, the Council has established precautionary allowable catch levels for nearshore, shelf and slope rockfishes at volumes of half of prior recent catch levels, as a general precautionary measure to guard against further declines in rockfish populations.

Species of shelf rockfish do not generally survive if returned to the water after capture. Rockfish taken in waters deeper than about 15 to 20 fathoms (90 to 120 feet), which includes waters occupied by most shelf rockfish species, cannot generally be released alive after capture. This is due to expansion of the "swim" or "gas" bladder that expands as the rockfish is brought to the surface causing damage to other organs. Therefore, fishing authorized for healthy stocks of shelf rockfish, California scorpionfish, and ocean whitefish have the potential to result in mortality to overfished stocks of shelf rockfish that occur in the same waters.

Lingcod, an important component of the shelf sport fishery, have no swim bladder and do not suffer high mortality if returned to deep water. However, lingcod occur in the same areas as shelf rockfish, and efforts to rebuild lingcod and overfished rockfish stocks have required the adoption of fishery restrictions on the take of both.

These factors tend to limit the regulatory options available to effectively protect and rebuild overfished rockfish and lingcod populations. The Council sets annual harvest levels (also termed optimum yields, or OYs) for rockfish and other groundfish to promote sustainable harvests and to rebuild overfished stocks. Season, area, bag, gear and size limits for rockfish and lingcod are also employed to keep the take of these species/species groups within authorized harvest levels while attempting to minimize impacts on the fisheries.

Nearshore Fisheries:

The Commission has played an increasing role in recent years in regulating several nearshore groundfish stocks (nearshore rockfish, cabezon, kelp greenling, and California scorpionfish) and associated state-managed nearshore fishes (rock greenling and California sheephead) that are generally found in waters less than 20 fathoms (120 feet) deep. Nearshore rockfishes, cabezon, and greenlings are not currently designated as overfished, and are thought to be less subject to swim bladder-related injury and death than shelf rockfish species. Regulations to implement the Nearshore Fishery Management Plan (NFMP) adopted by the Commission in 2002 include fishing seasons, size, and bag limits, total allowable harvests, and allocations of cabezon, greenlings, and California sheephead for recreational and commercial nearshore fisheries.

Cabezon and greenlings are caught primarily off central and northern California, and California scorpionfish and California sheephead are caught primarily off southern California. California sheephead and rock greenling are state-managed species (not federally designated groundfish), found in nearshore waters, often in association with nearshore rockfish. Consequently, regulations governing the take of these species have generally been adopted in concert with regulations for the shelf and nearshore groundfish fisheries in recent years.

Existing sportfishing regulations for groundfish and associated species (including rockfish, lingcod, cabezon, California scorpionfish, California sheephead, greenlings, and ocean whitefish) include size and bag limits, and designate when and where (season and depths) they may be taken and possessed. Existing regulations establish boundaries and provisions for fishing in the Northern, Central and Southern Rockfish and Lingcod Management Areas (RLMAs), Cowcod Conservation Areas (CCAs), and the California Rockfish Conservation Area (CRCA). Regulations currently authorize the Department of Fish and Game (Department) to close sport fishing for lingcod, rockfish, a subgroup of rockfish, and/or California scorpionfish if the Department determines that annual harvest limits adopted as regulation by the National Marine Fisheries Service for lingcod, rockfish, a subgroup of rockfish, and/or California scorpionfish are exceeded, or are projected to be exceeded.

PROPOSED REGULATION CHANGES

Proposed changes include a range of management options that would affect west coast recreational groundfish fisheries from the California-Oregon border to the U.S.-Mexico border and include both State and federal waters off California. On September 12, 2003, the Council adopted changes to the rules for recreational fishing for groundfish in the waters off California in 2004. Many of the proposed regulatory changes are to bring State regulations into conformance with rules adopted by the Council. Because some state-managed species (rock greenling, ocean whitefish and California sheephead) are found in association with rockfish and lingcod, the Department is proposing that the Commission take actions on those species to ensure that the resource and management goals of the rules adopted by the Council are met. In addition, the Department is proposing that the Commission make a decision on a public request for an exemption for shore-base divers and anglers to the season and depth closures for groundfish and associated species.

Most of the proposed amendments are encompassed by three general categories: Changes to Retention Allowances, Changes to Seasons and Fishing Depths, and Changes to Existing Regulations for Clarification or Simplification. An amendment modifying the groundfish closure provision does not fall into one of these general categories; the proposed amendment adds cabezon to the list of species, and clarifies that an annual harvest limit can be optimum yield (OY) or a harvest guideline.

After the proposed amendments regarding retention allowances, seasons and fishing depths, it is noted in brackets whether the amendment is (1) for purposes of conformance, (2) for state-managed species to help achieve groundfish management goals, or (3) a proposed exemption to proposed or existing depth or season constraints. Proposed changes in regulations are as follows:

Proposed Changes to Retention Allowances (Bag Limits)

- Set the daily bag limit for canary and yelloweye rockfishes in the area from 42°00' North latitude (California-Oregon border) south to 40°10' North latitude (near Cape Mendocino) at zero. [*Conformance with federal regulations; amendment adopted by the Council on September 12, 2003.*] This proposed change is needed to achieve federal rebuilding goals. It will discourage targeting of these rockfish species in this area. These species are overfished, and are highly prized by recreational anglers. Anglers may be targeting these rockfish in this area at the currently authorized 1-fish per day bag limit. Current regulations prohibit the retention of canary and yelloweye rockfishes south of 40°10' North latitude.

- Allow one bocaccio to be retained in the rockfish bag limit in the area from 40°10' North latitude (near Cape Mendocino) to the U.S.-Mexico border (current limit is zero). *[Conformance with federal regulations; amendment adopted by the Council on September 12, 2003.]* This change is proposed because the increase in the bocaccio optimum yield (OY) for 2004 translates into the ability to authorize greater fishing time on the water and increased access to shelf fishing grounds. However, the bocaccio stock is still considered overfished and is rebuilding. This amendment would lessen the expected discarding of bocaccio at sea by recreational anglers by allowing the retention of incidental catches of one fish without making them a targeted-species.

Proposed Changes to Seasons and Fishing Depths

Season and depth constraints are proposed within each RLMA. The proposed changes to seasons and fishing depths for rockfish, lingcod and associated species south of 40°10' North latitude are in response to an increase in the bocaccio OY for 2004, but recognize that the bocaccio stock is considered overfished and is rebuilding. The proposed amendments would translate into more time on the water when compared to the 2003 season. Industry representatives indicate more time on the water would provide for a more satisfying recreational fishery, and provide economic relief for California's Commercial passenger fishing vessel (CPFV) fleet and all the other businesses that support the recreational fishing industry.

Rebuilding of the canary rockfish stock requires considerable constraint to shelf fishing north of Point Conception (34°27' North latitude). Therefore, despite the more optimistic outlook for bocaccio, the proposed amendments would restrict the recreational fishery in the Central RLMA to shallow depths.

- In the Central RLMA, provide for a 10-month season (January, February, and May through December) for rockfishes (except canary, cowcod, and yelloweye), cabezon, greenlings (of the genus *Hexagrammos*), lingcod and California scorpionfish with the following depth constraints and area closures:
 - allow fishing only in waters less than 30 fathoms (180 feet) during January, February, and September through December;
 - allow fishing only in waters less than 20 fathoms (120 feet) during May through August;
 - prohibit fishing in waters less than 10 fathoms (60 feet) around the Farallon Islands and Noonday Rock; and
 - prohibit fishing in all waters of Cordell Bank.*[Conformance with federal regulations; amendment adopted by the Council on September 12, 2003.]* The proposed amendment expands the

fishing season in the Central RLMA from six to ten months, and expands the fishing area to 30 fathoms (from 20 fathoms) during six months of the open period. The Council's Groundfish Management Team estimated total catch of target species and overfished groundfish species by depth, area, and two-month time period. This proposed amendment in concert with established and proposed bag and size limits is expected to keep recreational take within the catch limits for target species and overfished groundfish species. Canary rockfish are found at Cordell Bank, and shallow nearshore rockfish are found in the shallow areas around the Farallones and Noonday Rock. The proposed closures at the Farallon Islands, Noonday Rock, and Cordell Bank are intended to reduce the likelihood of in-season attainment of the OY for canary rockfish and shallow nearshore rockfish. The proposed regulations provide for the use of general depth contour lines for the depth constraints in the Central RLMA. In most areas, the 20 and 30 fathoms contour lines are in State waters, and the 10 fathom lines around the Farallon Islands and Noonday Rock are in State waters. The general depth contours are easier for the general public to use than the waypoints used in the federal regulations.

- In the Southern RLMA, provide for a 10-month season (March through December) for rockfishes (except canary, cowcod, and yelloweye), cabezon, greenlings (of the genus *Hexagrammos*), and lingcod; and provide for a 4-month season (March, April, November and December) for California scorpionfish. During the open periods, allow fishing only in waters less than 60 fathoms (360 feet), except in the Cowcod Conservation Areas (CCA), where fishing would continue to only be allowed in waters less than 20 fathoms (120 feet). [Conformance with federal regulations; adopted by the Council on September 12, 2003.] The proposed amendment expands the open period from six to ten months and the fishing area from 20 to 60 fathoms (except in the CCA) for rockfishes (except canary, cowcod, and yelloweye), cabezon, greenlings, and lingcod in the Southern RLMA. The proposed amendment reduces the open period for California scorpionfish from eight to four months, but expands the fishing area 20 to 60 fathoms (except in the CCA). Given the increase in allowable fishing depth, regulations in Section 27.82, Title 14, CCR, are no longer needed which established a "sculpin-only" fishing area at Huntington Flats to a depth of 50 fathoms. The Council's Groundfish Management Team estimated total catch of target species and overfished groundfish species by depth, area, and two-month time period. This amendment in concert with established and proposed bag and size limits is expected to keep recreational take within the catch limits for target species and overfished groundfish species. The proposed expansion of the fishing area to a depth of 60 fathoms (from 20 fathoms in 2003) is projected to increase the take of California scorpionfish to levels exceeding the harvest guidelines. To keep the mortality of California scorpionfish within the

prescribed limits while expanding the fishing area, it is necessary to reduce the fishing season (open period) for California scorpionfish. Scorpionfish do not possess a swim bladder, and, thus, it is possible to release captured fish with high survival rates (estimated at 83 percent based on a tagging study of nearshore rockfish by the Department). The Department proposes describing the 60 fathom depth constraint in the Southern RLMA by lines connecting waypoints adopted in federal regulations (50 CFR Part 660). Most of the 60 fathom contour is in federal waters, and it will reduce confusion to use the federal regulations for those portions of the contour line that are in State waters.

- For ocean whitefish (a state-managed species), the following options are proposed in the Central RLMA and Southern RLMA:
 - **Option 1** (preferred option) - Align the ocean whitefish seasons and fishing depths with rockfish and lingcod seasons and fishing depths. *[Help achieve groundfish management goals.]*
 - **Option 2** - Provide for a year-round fishery, and allow fishing only in waters less than 20 fathoms (120 feet). *[Exemptions to proposed or existing depth or season constraints.]*
 - **Option 3** - Provide for a year-round fishery, and allow fishing only in waters less than 60 fathoms (360 feet). *[Exemptions to proposed or existing depth or season constraints.]*
 - **Option 4** - Provide for a year-round fishery with no depth constraints. *[Exemptions to proposed or existing depth or season constraints.]*

Ocean whitefish often intermix with rockfish, and bycatch of rockfish is not uncommon. Information on the association between whitefish and rockfish is available from two independent sources: a CPFV observer program and a tagging project. A Department CPFV observer program from 1986 to 1989 recorded the capture of 6,693 ocean whitefish and 54,603 rockfish during the course of normal CPFV fishing operations at 129 fishing sites. The data show that, for most fishing sites, rockfish were present in the catch when ocean whitefish were present. The highest ratio of ocean whitefish to rockfish recorded was 5.53:1 (ocean whitefish:rockfish); however, the catch of ocean whitefish exceeded the catch of rockfish at only 15 of the 129 sites. A nearshore groundfish tagging project is currently underway to catch, tag and release 23 species of marine fish from Morro Bay south to the Mexican border, using chartered CPFV vessels as a survey platform. The project has conducted more than 50 trips since November 2000, and tagged over 7,000 fish. Results from 216 fishing stops show that ocean whitefish were taken at 52 stops (24 percent of the total stops). Bocaccio, shallow nearshore rockfish and deeper nearshore rockfish were taken at 17 percent, 30 percent and 61 percent of the total stops, respectively. Although ocean whitefish and rockfish have been commonly encountered on the same fishing grounds during this project, ocean whitefish are not specifically targeted, but are taken incidentally

while fishing for other species. In many instances, attempts were made to avoid ocean whitefish bycatch. Data from this project show that ocean whitefish are taken with some frequency when rockfish are targeted, but do not directly address the question of what the expected rockfish bycatch would be in a target fishery for ocean whitefish.

In 2003, the seasons and fishing depths for ocean whitefish were aligned with those for rockfish and lingcod. Option 1 continues to align the seasons and fishing depths for ocean whitefish with those for rockfish and lingcod. Under Option 1, the seasons would expand from six to ten months and the depths constraints would be reduced. Since ocean whitefish is not a federal groundfish species, management of that species has fallen outside the scope of regulations designed for groundfish (except for special provisions in the Cowcod Conservation Areas which are established both by the Council and the Commission), and the Commission could manage ocean whitefish independent of groundfish. Some members of the recreational fishing community have proposed providing for fishing opportunities for those anglers who operate from boats, primarily CPFVs, during times when rockfish fishing is not authorized. Industry representatives have indicated their belief that they can avoid overfished groundfish stocks when targeting ocean whitefish. Options 2, 3, and 4 allow the recreational fishing community to target ocean whitefish during the two-month closure. These options may provide some economic relief for the southern California CPFV fleet. However, since it appears that there will be relaxing of the regulations (reducing the closure from six to two months, and opening more area to fishing) for the Southern RLMA (where ocean whitefish are most abundant), the need to provide such an exception is minimized. The Department recommends the adoption of Option 1, aligning the seasons and fishing depths with federally designated groundfish.

- For California sheephead (a state-managed species), the following options are proposed in the Central RLMA and Southern RLMA:
 - **Option 1** (*status quo*; no change to current regulations) - Provide for a year-round fishery with no depth constraints. [*Exemptions to proposed or existing depth or season constraints.*]
 - **Option 2** (preferred option) - Align the California sheephead seasons and fishing depths with rockfish and lingcod seasons and fishing depths. [*Help achieve groundfish management goals.*]
 - **Option 3** - Provide for a year-round fishery, and allow fishing only in waters less than 20 fathoms (120 feet). [*Exemptions to proposed or existing depth or season constraints.*]
 - **Option 4** - Provide for a year-round fishery, and allow fishing only in waters less than 60 fathoms (360 feet). [*Exemptions to proposed or existing depth or season constraints.*]

Currently, California sheephead may be taken in all months and depths unless closed in-season pursuant to Section 52.10, Title 14, CCR (Option 1). Since California sheephead is not a federal groundfish species, management of that species has fallen outside the scope of regulations designed for groundfish, except for special provisions in the Cowcod Conservation Areas which are established both by the Council and the Commission. Therefore, in 2003, California sheephead fishing was authorized year-round and in all depths unless closed under state regulations which specify an annual recreational allocation of a statewide OY. However, since California sheephead often intermix with rockfish, and bycatch of rockfish is not uncommon when California sheephead are specifically targeted with recreational hook-and-line gear, the Department proposes that season and depth regulations for that species be coupled (aligned) with regulations for federal nearshore groundfish, as is the case with ocean whitefish (Option 2). Since it appears that there will be relaxing of the regulations for the southern management area (where California sheephead are most abundant), there would be little or no practical benefit to structure sheephead under separate regulations. Furthermore, catches for that fishery in recent years have prompted in-season closures, because the recreational allocation of 135,000 pounds was taken before the end of the year. This suggests that future catches may not span a 12-month season even if one is authorized. Should the Commission wish to continue to manage California sheephead independently of other nearshore species, the Department has provided three options for year-round fishing: Option 1 does not impose any depth restrictions, Option 3 closes waters 20 fathoms or greater to fishing, and Option 4 closes waters 60 fathoms or greater to fishing. The Department recommends the adoption of Option 2, aligning the seasons and fishing depths with federal nearshore groundfish.

- Exempt shore-based recreational divers and anglers from seasonal closure periods for rockfish, lingcod and associated species including cabezon, greenlings of the genus *Hexagrammos*, California scorpionfish, California sheephead, and ocean whitefish. *[Exemptions to proposed or existing depth or season constraints.]* This recommendation, made by some members of the recreational fishing community, would provide year-round fishing opportunities for those divers and anglers who operate from shore, as opposed to those who fish from a boat. In past years, the Commission has on occasion provided such an exception, but it did not provide this exemption in 2003. The proposed closure period in both the Central and Southern RLMA is two months in 2004.

Some argue that the take of groundfish and associated species by shore-based divers and anglers is inconsequential. However, in the Central RLMA,

shore-based divers and anglers account for a significant portion of the recreational take of shallow nearshore rockfish, cabezon and greenlings. On average, during March and April (the proposed closed period for the Central RLMA) from 1996 through 1999 (recent years with no closures), shore-based divers and anglers north of Point Conception took eight percent of the shallow nearshore rockfish, 73 percent of the cabezon, and 89 percent of the greenlings. Of the species affected by the proposed closure, only cabezon showed up in significant numbers in the catch of shore-based divers and anglers south of Point Conception. From 1996 through 1999, on average, shore-based divers and anglers accounted for six percent of the total recreational catch of cabezon in the Southern RLMA during the proposed closed period (January and February).

The fishing seasons (open periods) adopted by the Council are based on estimates of total recreational take, including the take by shore-based divers and anglers, during the open periods only. If this proposed exemption is authorized in California, it is likely that the harvest guidelines will be exceeded and in-season closures may be needed. If there is an in-season closure, the proposed exemption may become a *de facto* allocation to shore-based divers and anglers; shore-based divers and anglers would have greater opportunity to fish than other anglers since the closed periods are early in the year and shore-based divers and anglers take a high proportion of the catch in the Central RLMA. The recreational fishery has exceeded the OYs every year since OYs were established for cabezon, greenlings and California sheephead under the Nearshore Fishery Management Plan.

Some divers have requested that they be allowed, because of safety concerns, to use watercraft or vessels to stow their gear and catch. The watercraft could also serve as a place to rest. In response to this request, the Department has provided the Commission with the option of allowing divers to use non-motorized watercraft (such as float-tubes and kayaks) while spearfishing if the watercraft is deployed from shore and if no other type of fishing gear (hook-and-line gear, for example) is aboard the watercraft. In summary, the Department has provided the Commission with two options:

- **Option 1** – Does not allow the use of any watercraft.
- **Option 2** – Authorizes the use of only non-motorized watercraft deployed from shore for spearfishing, and prohibits all types of fishing gear except spearfishing gear aboard the watercraft.

The Department is opposed to Option 2, authorizing the use of non-motorized watercraft. The use of non-motorized watercraft, such as kayaks, may open areas that are inaccessible from shore and may increase the take of nearshore rockfishes and associated species during the “closed periods”. The Department does not have data to estimate the take of finfish using

spearfishing gear from non-motorized watercraft. However, spear gear is used to take a substantial portion of the recreational catch of cabezon, greenlings and California sheephead.

The Department is concerned that establishing conflicting regulations between user groups on the water may create confusion by the public and may complicate enforcement of the regulations on the water. In addition, the conflicting regulations for different recreational user groups may lead some to use that conflict as a defense for violations in court.

The Department is opposed to an exemption for shore-based divers and anglers. The Department's opposition is based on the following:

- Shore-based divers and anglers take a significant proportion of the recreational catch of shallow nearshore rockfish, cabezon and greenlings.
- Cabezon, greenlings and California sheephead are under restrictive OYs (established by the Commission in implementing the Nearshore Fishery Management Plan). Providing opportunities for one sector of the recreational fishing community to fish for these species during the prescribed closure periods may result in early-attainment of annual harvest limits and in-season closures for these species.
- The estimates used to determine the recreational fishing seasons and depths for all groundfish are based on no recreational fishing for groundfish or associated species during the closed periods. These seasons and depths have already been adopted by the Council for 2004. If the State allows fishing during those closed periods, the annual harvest guidelines will probably be exceeded before the end of the year, and may prompt in-season closures.
- Exempting one segment of the recreational fishing community from the closed periods creates confusion. This adds to the complexity of the regulations, and thus, makes it more difficult for the public to understand and comply with the regulations. It also creates a number of enforcement difficulties.

Proposed Changes to Existing Regulations for Clarification or Simplification

The Department and Commission have received several comments during recent years from recreational anglers and divers expressing concern for the difficulties in understanding what is authorized and not authorized with regard to the take of rockfish, lingcod, and associated species within the different management areas, depths, and seasons. The complexity of the current regulations is a function of trying to maintain public fishing opportunities while providing increased protections for overfished stocks of rockfish and lingcod. The proposed changes in the structure and organization of the regulations are an attempt to improve the clarity and increase public understanding of these regulations.

Section 27.60

A table was added in the special limit section for ease of reading.

Section 27.82

The regulatory language of Section 27.82 (Management Areas, Seasons, Depths, Exceptions, and Fishery Closure Process Described) was restructured to reflect substantial changes in management of rockfish, lingcod and associated species for 2004 which should include longer fishing seasons and authorization to fish in greater depths in most geographic areas of California. Because regulations in 2003 prohibited fishing for these species for six months of the year in most areas and constrained fishing to depths of less than 20 fathoms when it was allowed, it was more appropriate to structure regulations such that “closure” was the “rule,” and “authorized fishing” was the “exception”. For 2004, given that season lengths (authorized fishing) are likely to be of 10 months or more in duration, changes to the organizational structure of this Section were needed.

The proposed changes in regulatory text now establish general RLMA boundaries in subsection (a), seasons and depth constraints in subsection (b), exceptions to these provisions in subsection (c), definitions of areas and special rules relating to the protection of cowcod in subsection (d), a description of the closure process in subsections (e) and (f). This is intended to simplify the regulations for the public and enforcement staff charged with ensuring compliance with the regulation changes.

The proposed changes to the season and depth constraints in subsection 27.82(b) are described above. All the proposed exceptions to seasons and depth constraints in 27.82(c) are described above, except the following proposed exemption: vessels that have rockfish, lingcod, or associated species aboard may transit in waters deeper than those where fishing is authorized provided that no fishing gear is deployed. While this is a *status-quo* exception, it is added here for clarity of the regulations.

Under existing regulations, if the harvest guidelines (established by the National Marine Fisheries Service) for canary rockfish or yelloweye rockfish are reached or projected to be exceeded, then no retention of canary and yelloweye rockfishes is allowed in the Northern RLMA and waters 27 fathoms or greater may be closed to fishing for rockfish and lingcod in the Northern RLMA. The proposed amendment of Section 27.82 removes this separate provision. The separate provision is no longer needed, because the proposed regulations prohibit the retention of canary and yelloweye rockfishes in the Northern RLMA, and existing regulations provide for closing all or part of each RLMA if the harvest guidelines for lingcod, rockfish, cabezon, California scorpionfish or a subgroup of rockfish has been exceeded or is projected to be exceeded.

Section 27.83

Substantial modification of the language of Section 27.83 (California Rockfish Conservation Area (CRCA)) is proposed to improve clarity, intent and enforceability of these regulations. This new language states first and foremost that the Section serves to regulate the use of recreational fishing gear in areas which, during specified months and in specified water depths, are closed to fishing for rockfish and associated species. These gear restrictions are intended to prevent interaction with overfished rockfish species.

Existing language of this Section begins by defining the management areas for which these gear restrictions apply, and the actual gear restrictions are specified toward the end of the Section. As a result, it is difficult for the public to readily understand what is required. Since the proposed new language of 27.82 for 2004 already specifies these geographic management areas, seasons, and authorized fishing depths, there is no need to replicate them in 27.83. Instead, a simple direct reference to these areas defined in 27.82 is provided.

Additionally, since the recreational CRCA gear restrictions will also apply to waters deeper than the specified outer boundary of the federally-defined Non-trawl Rockfish Conservation Area for 2004 (between 150 and 250 fathoms) and the Cowcod Conservation Areas, there is no longer a need to provide reference to those federal regulations which define that boundary area. This will simplify the existing requirement and standardize the recreational gear restrictions in all waters, times and areas not open to fishing for rockfish and lingcod.

A technical change is proposed for existing subsection (d) regarding gear restrictions. The modification clarifies that the prohibition is on the use of the gear and not possession of the gear when transiting the CRCA or CCAs.

Non-substantive technical changes are proposed for existing subsection (e)(4). Language is proposed to be eliminated as part of this rulemaking as it is no longer current. Beginning March 1, 2003, regulations authorized the use of up to 12 No. 2 or smaller hooks and up to 2 pounds of weight when fishing for sanddabs or coastal pelagic species in the CRCA or CCA. Language remaining in print that defined regulations prior to this date is no longer necessary. These changes were included in an emergency regulation.

Modifications to Groundfish Fishery Closure Provision

Under existing regulations, the Department may close the recreational fishery for lingcod, rockfish, a subgroup of rockfish, and/or California scorpionfish in all or part of the Northern, Central or Southern RLMAs when the Department determines that the annual harvest limit (established in regulations by National

Marine Fisheries Service) for any of those species or groups of species has been exceeded or is projected to be exceeded prior to the end of the year. Cabezon was recently assessed by National Marine Fisheries Service (NOAA Fisheries), and it is expected that a federal optimum yield (OY) will be established for management purposes in the near future. The proposed amendment adds cabezon to the list of species, and clarifies that an annual harvest limit can be an OY or a harvest guideline. These changes appear in subsection 27.82(e).

(b) Authority and Reference Sections from Fish and Game Code for Regulations:

Authority: Sections 200, 202, 205, 210, 215, 220, 7071 and 8587.1, Fish and Game Code.

Reference: Sections 200, 202, 205, 206, 210, 215, 220, 5517, 8585.5, 8586 and 8587.1, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None

(d) Identification of Reports or Documents Supporting Regulation Change:

Groundfish Management Team Report on Proposed 2004 Groundfish Management Measures. Exhibit B.14.b., Supplemental GMT Report, June 2003. 11pp.

Groundfish Advisory Subpanel Statement on Adoption of a Proposed Range of 2004 Groundfish Management Measures. Exhibit B.14.b., Supplemental GAP Report, June 2003. 9pp.

Groundfish Management Team Report on Final 2004 Groundfish Management Measures. Exhibit C.6.o, Supplemental GMT Report 3, September 2003. 22pp.

Options for 2004 Groundfish and Nearshore Fishery Management. Informational material provided at four Department Groundfish Information Meetings held during July 2003, 22pp.

Summary of Public Comments Received, Groundfish Public Informational Meetings, July 2003. Department of Fish and Game, 2003, 4pp.

Edgar W. Roberts III, Draft, Co-occurrence of Ocean Whitefish, Bocaccio, Shallow Nearshore Rockfish and Deeper Nearshore Rockfish in Southern California. Department of Fish and Game, 2003, 3pp.

Scoping Summary Report, Environmental Impact Report, Proposed Acceptable Biological Catch and Optimum Yield Specifications and Management Measures for the 2004 Pacific Coast Groundfish Fishery, Pacific Fishery Management Council, August 2003, 18pp.

Restrepo et al, 1998, Technical Guidance On the Use of Precautionary Approaches to Implementing National Standard 1 of the Magnuson-Stevens Fishery Conservation and Management Act. NOAA Technical Memorandum NMFS-F/SPO## July 17, 1998, 54pp.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

Pacific Fishery Management Council Public Meetings were held on the following dates to discuss the groundfish options being considered for 2004, including proposed regulatory measure affecting California's recreational fisheries for rockfish, lingcod, and associated species.

Meeting of Pacific Fishery Management Council
Foster City, CA - June 16-20, 2003

Meeting of Pacific Fishery Management Council
Seattle, Washington - September 8-12, 2003

The Department hosted four public meetings to hear comments on a broad range of management options being considered by the Council and Commission for the 2004. These meetings were as follows:

July 21, 2003, Monterey Public Library,
Monterey, CA. 6:30 p.m. to 8:30 p.m..

July 24, 2003, Laney College, Room B-264
Oakland, CA. 7:00 p.m. to 9:00 p.m.

July 28, 2003, College of the Redwoods
Fort Bragg, CA. 7:00 p.m. to 9:00 p.m.

July 30, 2003, Department of Fish and Game Conference Room
Los Alamitos, CA. 7:00 p.m. to 9:00 p.m.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

A variety of management measures were considered that would achieve rebuilding goals for overfished rockfish, while providing California's recreational fishery participants somewhat improved (compared with 2003) opportunities to fish for rockfish, lingcod and associated species (California scorpionfish, cabezon, greenlings, ocean whitefish, and California sheephead) in nearshore waters. In addition to the management measures and options listed in Section III (above), the following were considered:

Size Limits and Retention Allowance (Bag Limits)

1. Establish a slot limit for cabezon of 15 to 22 inches (only fish between these lengths could be retained).
2. Reduce the bag limit or do not allow retention of cabezon (bag limit would be zero, one, or two fish)
3. Exempt divers and shore-based anglers from any established cabezon slot limit
4. Increase the lingcod size limit from 24 to 26 inches total length.

Management Area Boundaries

5. Change the boundaries of the Rockfish and Lingcod Management Areas (RLMAs) to create five RLMAs.
 - Northern RLMA: California-Oregon Border to 40°10' North latitude near Cape Mendocino
 - North-Central RLMA: 40°10' North latitude near Cape Mendocino to Point San Pedro, San Mateo County (37°35' North latitude) (New RLMA)
 - Central RLMA: Point San Pedro, San Mateo County (37°35' North latitude) to Lopez Point, Monterey County (36°01' North latitude) (new boundaries)
 - South-Central RLMA: Lopez Point, Monterey County (36°01' North latitude) to Point Conception, Santa Barbara County (34°27' North latitude) (New RLMA)
 - Southern RLMA: Point Conception, Santa Barbara County (34°27' North latitude) to the U.S.-Mexico Border
6. Change the boundaries of the Cowcod Conservation Areas (CCAs) to conform with the boundaries adopted by the Council (the same boundaries as proposed for the commercial fixed gear fishery).

Fishing Depths

7. Change the depths where fishing is allowed in the RLMAs:
 - Northern RLMA: establish a maximum depth of either 27 or 30 fathoms.

- North-Central RLMA: establish a maximum depth between the range of 20-40 fathoms.
 - Central RLMA: establish a maximum depth between the range of 20-40 fathoms.
 - South-Central RLMA: establish a maximum depth between the range of 20-60 fathoms.
 - Southern RLMA: establish a maximum depth between the range of 20-80 fathoms.
8. Allow California scorpionfish to be taken during closed months inside 50 fathoms at Huntington Flats, if depths selected for rockfish were less than 50 fathoms in some months.

Seasons

9. Establish a 6- to 12-month season south of 40°10' North latitude.
10. Adopt the same open periods for recreational and commercial fishing within each geographic area.

Other alternatives available to federal and State fisheries managers include: more drastic cuts in rockfish/lingcod bag limits; reducing the fishing season (shorter open periods) for rockfish, lingcod and associated species; and reducing size of the areas where fishing can occur. Any of these more drastic measures, in conjunction with commercial fishing restrictions being imposed on groundfish fisheries by the Council, would be expected to achieve the primary objective of reducing harvests of rockfish and lingcod sufficiently to contribute to rebuilding of these stocks. However, even if fishing is severely restricted under more severe regulatory options than proposed here, or entirely curtailed, rebuilding of some overfished stocks is estimated to require decades before directed fishing on these species could again be authorized. Therefore, every effort is being made to adopt regulations that will continue to provide for some continued fishing opportunity and to avoid a total long-term elimination of fishing opportunities.

The option of further reducing the daily bag limit of rockfish is not necessary at this time, and is generally unpopular with the public because of the costs associated with fishing in offshore waters today relative to what fishermen consider a satisfying sport fishing experience. Rockfish are generally pursued by recreational anglers for their qualities as food rather than their fighting ability as a sport fish. Consequently, larger bag limits represent a higher quality fishing trip in the minds of most saltwater anglers. CPFVs that take anglers and divers fishing for a fee are greatly concerned that, if the number of rockfish in the daily bag limit is reduced sufficiently, anglers and divers will not pay to participate in this activity.

Total elimination of fishing, while still a possibility if future assessments of overfished stocks indicate little or no improvements, would have greater adverse social and economic effects than the proposed restrictions which are being lessened compared with the 2003 sport fishing regulations for groundfish. These include the further shifting of fishing effort onto other fish stocks and the potential elimination of sectors of the recreational fishery during all or portions of the year, particularly off central and northern California where rockfish and lingcod represent a significant segment of marine finfish available to the fishing public.

- (b) No Change Alternative: The no-change alternative would conflict with the federal regulations for 2004. In addition, the no-change alternative does not provide for improved fishing opportunities as a result of the improved population status of bocaccio and does not address the need for further protections for canary and yelloweye rockfishes to meet the federal rebuilding requirements. The continued need to meet federal rebuilding goals for overfished shelf rockfish stocks, in combination with efforts to provide for continued ability to fish for healthy stocks of shelf and nearshore rockfish without jeopardizing these stocks, argues for adoption of the proposed management measures reflected in the options provided here.
- (c) Consideration of Alternatives: In view of information currently possessed, no alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed increase in the fishing season (open periods) for rockfish and lingcod off California south of 40°10' North latitude (near Cape Mendocino) from six months in 2003 to ten months in 2004 is expected to have a positive economic benefit for recreational CPFV businesses, sportfishing shops, and gear and tackle manufacturers. The proposed four-month increase in the fishing season represents a 66 percent increase in fishing time provided in 2003.

Information from the National Marine Fisheries Service (NMFS) estimates anglers aboard CPFVs take roughly 43 percent of all ocean rockfishes caught by all recreational fishermen in northern California and 67 percent in southern California. Of all CPFV trips taken in 2002, 5.9 percent occurred in northern California in waters greater than 20 fathoms and specifically targeted rockfish and lingcod, and 0.8 percent occurred in southern California in waters greater than 20 fathoms and specifically targeted rockfish and lingcod. Based on a NMFS survey of year 2000 angler expenditures (NMFS 2001), total party boat charter fees paid annually by passengers amounted to about \$13 million and \$51 million for northern and southern California, respectively. This includes both resident and non-resident CPFV passenger expenditures.

We would expect some positive economic benefit to recreational CPFV businesses by increasing the water depths that can be fished. For example, if fishing trips increase by only 10 percent overall, as a result of extending the depth beyond 20 fathoms, we might realize an increase in CPFV revenues of \$76,700 in northern California, and \$40,800 in southern California. This is based on the percentage of CPFV passenger fee expenditures for trips at depths greater than 20 fathoms and specifically targeting rockfish and lingcod, amounting to \$767,000 (\$13 million x 5.9 percent) for northern California and \$408,000 (\$51 million x 0.8 percent) for southern California using NMFS's year 2000 expenditure data. We would also expect a positive, but unquantifiable, economic benefit for sportfishing shops and gear and tackle manufacturers due to the increase in the water depths that can be fished.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Some increase in jobs could result if CPFVs are better able to operate profitably due to the reduced closure periods and increased areas available for fishing in 2004 [See comments under (a) above].

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

Informative Digest (Policy Statement Overview)

The California Fish and Game Commission (Commission) proposes to adopt sport fishing regulations for groundfish and associated species of finfish that conform to those of the Pacific Fishery Management Council (Council), and that regulate associated state-managed species in a manner that provides for continued recreational fishing opportunities consistent with efforts to conserve species and restore overfished stocks of groundfish. The Council met September 8-12, 2003 to approve final regulatory recommendations affecting recreational and commercial fishing for groundfish and associated species during 2004.

Under existing law, west coast groundfish, including rockfish and lingcod, are managed by the Council pursuant to the Pacific Coast Groundfish Fishery Management Plan (Groundfish Plan) to comply with policies and standards of the Federal Sustainable Fisheries Act, Public Law 94-265. Current federal law requires that rebuilding plans be adopted for those groundfish stocks that are determined by the Council to be overfished. Specified stocks of shelf and slope rockfish (bocaccio, cowcod, canary, and yelloweye rockfishes) and lingcod, that are generally found deeper than 20 fathoms (120 feet), are currently assessed as overfished, with rebuilding expected to take several decades in the case of some species of rockfish. Other species of finfish that occur in association with rockfishes, and for which changes in regulations are being considered for the 2004 calendar year, include California scorpionfish, ocean whitefish, cabezon, greenlings, and California sheephead. A recently completed assessment of bocaccio off California indicates improvement in the stock compared with last year providing for consideration of some relaxation of recreational and commercial fishing regulations for 2004.

Existing sportfishing regulations for groundfish and associated species (including rockfish, lingcod, cabezon, California scorpionfish, California sheephead, greenlings, and ocean whitefish) include size and bag limits, and designate when and where (season and depths) they may be taken and possessed. Existing regulations establish boundaries and provisions for fishing in the Northern, Central and Southern Rockfish and Lingcod Management Areas (RLMAs), Cowcod Conservation Areas, and the California Rockfish Conservation Area. Regulations currently authorize the Department of Fish and Game (Department) to close sport fishing for lingcod, rockfish, a subgroup of rockfish, and/or California scorpionfish if the Department determines that annual harvest limits adopted as regulation by the National Marine Fisheries Service for lingcod, rockfish, a subgroup of rockfish, and/or California scorpionfish are exceeded, or are projected to be exceeded.

The proposed changes would, in most cases, lessen fishing restrictions on the recreational take and possession of groundfish and associated state-managed species in response to recent assessments of the status of some groundfish species. Regulation changes being considered by the Commission include adjustments to

authorized fishing seasons and depths for rockfish, lingcod and associated species within the Central and Southern RLMAs. Also being considered are changes in bag limits for bocaccio, canary and yelloweye rockfishes, and exceptions to season and area closures. In addition, sections dealing with bag limits and with season and area closures in management and conservation areas have been reorganized in an effort to make them easier for the public to understand.

More specifically, the proposed changes to recreational fishing regulations in waters off California include the following:

- Set the daily bag limit for canary and yelloweye rockfishes in the area from 42°00' North latitude (California-Oregon border) south to 40°10' North latitude (near Cape Mendocino) at zero. *[Conformance with federal regulations; amendment adopted by the Council on September 12, 2003.]*
- Allow one bocaccio to be retained in the rockfish bag limit in the area from 40°10' North latitude (near Cape Mendocino) to the U.S.-Mexico border (current limit is zero). *[Conformance with federal regulations; amendment adopted by the Council on September 12, 2003.]*
- In the Central RLMA, provide for a 10-month season (January, February, and May through December) for rockfishes (except canary, cowcod, and yelloweye), cabezon, greenlings (of the genus *Hexagrammos*), lingcod and California scorpionfish with the following depth constraints and area closures:
 - Allow fishing only in waters less than 30 fathoms (180 feet) during January, February, and September through December;
 - Allow fishing only in waters less than 20 fathoms (120 feet) during May through August;
 - Prohibit fishing in waters less than 10 fathoms (60 feet) around the Farallon Islands and Noonday Rock; and
 - Prohibit fishing in all waters of Cordell Bank.*[Conformance with federal regulations; amendment adopted by the Council on September 12, 2003.]*
- In the Southern RLMA, provide for a 10-month season (March through December) for rockfishes (except canary, cowcod, and yelloweye), cabezon, greenlings (of the genus *Hexagrammos*), and lingcod; and provide for a 4-month season (March, April, November and December) for California scorpionfish. During the open periods, allow fishing only in waters less than 60 fathoms (360 feet), except in the Cowcod Conservation Areas, where fishing would continue to only be allowed in waters less than 20 fathoms (120 feet). *[Conformance with federal regulations; adopted by the Council on September 12, 2003.]*
- In the Southern RLMA, remove the provision allowing fishing for California scorpionfish at Huntington Flats in waters less than 50 fathoms. *[Conformance with federal regulations; adopted by the Council on September 12, 2003.]*
- Describe the 10-, 20-, and 30-fathom depth constraints in the Central RLMA by general depth contour lines, and describe the 60-fathom depth constraint in the

Southern RLMA by lines connecting waypoints adopted in federal regulations (50 CFR Part 660).

- For ocean whitefish (a state-managed species), the following options are proposed in the Central RLMA and Southern RLMA:
 - Option 1 (preferred option) - Align the ocean whitefish seasons and fishing depths with rockfish and lingcod seasons and fishing depths. *[Help achieve groundfish management goals.]*
 - Option 2 - Provide for a year-round fishery, and allow fishing only in waters less than 20 fathoms (120 feet). *[Exemptions to proposed or existing depth or season constraints.]*
 - Option 3 - Provide for a year-round fishery, and allow fishing only in waters less than 60 fathoms (360 feet). *[Exemptions to proposed or existing depth or season constraints.]*
 - Option 4 - Provide for a year-round fishery with no depth constraints. *[Exemptions to proposed or existing depth or season constraints.]*
- For California sheephead (a state-managed species), the following options are proposed in the Central RLMA and Southern RLMA:
 - Option 1 (*status quo*; no change to current regulations) - Provide for a year-round fishery with no depth constraints. *[Exemptions to proposed or existing depth or season constraints.]*
 - Option 2 (preferred option) - Align the California sheephead seasons and fishing depths with rockfish and lingcod seasons and fishing depths. *[Help achieve groundfish management goals.]*
 - Option 3 - Provide for a year-round fishery, and allow fishing only in waters less than 20 fathoms (120 feet). *[Exemptions to proposed or existing depth or season constraints.]*
 - Option 4 - Provide for a year-round fishery, and allow fishing only in waters less than 60 fathoms (360 feet). *[Exemptions to proposed or existing depth or season constraints.]*
- Exempt shore-based recreational divers and anglers from seasonal closure periods for rockfish, lingcod and associated species including cabezon, greenlings of the genus *Hexagrammos*, California scorpionfish, California sheephead, and ocean whitefish. The following options are proposed to clarify the activities that would be authorized under the exemption for shore-based divers and anglers:
 - Option 1 – Does not allow the use of any watercraft.
 - Option 2 – Authorizes the use of only non-motorized watercraft deployed from shore for spearfishing, and prohibits all types of fishing gear except spearfishing gear aboard the watercraft. *[Exemptions to proposed or existing depth or season constraints.]*
- Add cabezon to the list of recreational fisheries that may be closed by the Department in-season when the Department determines that the federal annual harvest limit has been exceeded or is projected to be exceeded.
- Modify the structure and/or organization of sections 27.60, 27.82, and 27.83 to improve clarity and increase public understanding of these regulations, and make

some technical changes to the sections 27.82 and 27.83 to clarify the intent of these regulations.

Section 27.60

- In the subsection on special limits (subsection (b)(3)), the listings of bag limits for each species or group were put in tabular form for easy reading.

Section 27.82

- Reorganize the structure the section to simplify and clarify the regulations. The general RLMA boundaries are in subsection (a), the seasons and depth constraints are in subsection (b), the exceptions to these provisions are in subsection (c), the definitions of areas and special rules relating to the protection of cowcod are in subsection (d), and a description of the closure process is in subsections (e) and (f).
- Add the following *status-quo* exemption for clarity: vessels that have rockfish, lingcod, or associated species aboard may transit in waters deeper than those where fishing is authorized provided that no fishing gear is deployed.
- Remove the separate provision for the Northern RLMA that specifies when the federal harvest guideline for canary rockfish or yelloweye rockfish is reached or projected to be exceeded, the retention of canary and yelloweye will be prohibited and waters 27 fathoms or greater may be closed to fishing for rockfish and lingcod. It is no longer needed, because the proposed regulations prohibit the retention of canary and yelloweye rockfishes in the Northern RLMA, and existing regulations provide for closing all or part of each RLMA if a harvest guideline has been exceeded or is projected to be exceeded.
- Clarify that an annual harvest limit can be an optimum yield (OY) or a harvest guideline.

Section 27.83

- Add language stating that the Section serves to regulate the use of recreational fishing gear in areas which, during specified months and in specified water depths, are closed to fishing for rockfish and associated species.
 - Remove the definitions of the management areas and refer to the definitions in Section 27.82.
 - Modify the regulation to clarify that vessels may transit the California Rockfish Conservation Area and Cowcod Conservation Areas with prohibited gear provided that no gear is in the water.
 - Remove the reference to an outer boundary to simplify and standardize the recreational gear restrictions in all waters, times and areas not open to fishing for rockfish and lingcod.
- minor editorial changes are also proposed in sections 28.27, 28.28, 28.29, 28.54, and 28.58 to improve the clarity and consistency of the regulations.